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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,259	09/29/2003	Bradford L. Farris	79439	2625
22242 7590 09/26/2007 FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			EXAMINER ALMEIDA, DEVIN E	
			ART UNIT 2132	PAPER NUMBER
			MAIL DATE 09/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/674,259	Applicant(s) FARRIS ET AL.	
	Examiner Devin Almeida	Art Unit 2132	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is in response to the papers filed 8/15/2007. Currently claims 1-16 are cancelled and 17 and 18 are under consideration.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 17 and 18 have been considered but are not persuasive. Nakahara teaches that the variable code being changed after each transmission in the abstract.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakahara (U.S. Patent # 5,594,429) in view of Gullman et al (U.S. Patent # 5,280,527). Nakahara teaches 17 a transmitter for sending an encrypted signal to control an actuator, comprising: a radio frequency generator for generating a radio frequency signal (see Nakahara column 4 lines 15-18); a rolling code generator for generating a rolling code (see Nakahara figure 2 and column 3 lines 8-14 and column 4 lines 43-45) which varies with actuation of the transmitter (see Nakahara Abstract i.e. the variable code being changed after each transmission), the rolling code being

considered valid and allowed to vary within a predetermined range of values (see Nakahara column 7 lines 31-56).; a fixed code generator for generating a fixed code (see Nakahara figure 2 and column 3 lines 8-14 and column 4 lines 43-45); and a modulator for modulating the radio frequency signal with the rolling code and the encrypted fixed code to produce an encrypted radio frequency signal for operation or control of a secure actuator (see Nakahara column 6 lines 8-24). Nakahara does not teach an encryptor for generating an encrypted fixed code in response to the rolling code and the fixed code. Gullman teaches an encryptor for generating an encrypted fixed code in response to the rolling code and the fixed code (see Gullman column 1 lines 30-36 and column 3 lines 39-43). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have encrypted fixed code as taught in Gullman with rolling and fixed code disclosed in Nakahara. This provides for a very difficult descrambling operation to a potential thief or intruder, as the intruders would not know which of the bits in the code word are fixed and which are varied. Thus, a potential thief is unable to predict or decipher the word and therefore unable to send the system the correct word to disarm it. Therefore one would have been motivated to have included an encryptor for generating an encrypted fixed code in response to the rolling code and the fixed code.

With respect to claim 18, a receiver for receiving an encrypted radio frequency signal from a transmitter and for generating an actuation signal, comprising: a receiver for receiving an encrypted radio frequency signal (see Nakahara column 2 line 1-9 and 37-41); a demodulator for demodulating the encrypted radio frequency signal into a

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demodulated encrypted signal (see Nakahara column 6 lines 11-13); a signal separator for separating the demodulated encrypted signal into a rolling code signal which varies with actuation of the transmitter (see Nakahara Abstract i.e. the variable code being changed after each transmission) and an encrypted fixed code signal (see Nakahara column 2 lines 37-63 and column 6 lines 8-24) and a validator for determining whether the rolling code signal falls within a predetermined range of values (see Nakahara column 7 lines 31-56). Nakahara does not teach a decryptor for decrypting the encrypted fixed code signal into a decrypted fixed code signal. Gullman teaches a decryptor for decrypting the encrypted fixed code signal into a decrypted fixed code signal (see Gullman column 1 lines 30-36 and column 3 lines 39-43). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have encrypted fixed code as taught in Gullman with rolling and fixed code disclosed in Nakahara. This provides for a very difficult descrambling operation to a potential thief or intruder, as the intruders would not know which of the bits in the code word are fixed and which are varied. Thus, a potential thief is unable to predict or decipher the word and therefore unable to send the system the correct word to disarm it. Therefore one would have been motivated to have included an encryptor for generating an encrypted fixed code in response to the rolling code and the fixed code.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devin Almeida whose telephone number is 571-270-1018. The examiner can normally be reached on Monday-Thursday from 7:30 A.M. to 5:00 P.M. The examiner can also be reached on alternate Fridays from 7:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

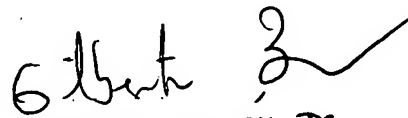
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

DA

Devin Almeida  
Patent Examiner  
9/24/2007

  
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